

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the United States Patent and Trademark Office via EFS-Web Electronic Filing, on:

Date: November 9, 2007

By: /Rena lov/
Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BERNHARD KEPPLER
APPLICATION NO.: 10/627,519
FILED: JULY 25, 2003
FOR: **COMPOSITIONS CONTAINING A
RUTHENIUM(III) COMPLEX AND A
HETEROCYCLE**

EXAMINER: SHIAO, REI TSANG
ART UNIT: 1626
CONF. NO: 2897

**Petition for Revival of Application for Patent Abandoned Unavoidably
Under 37 C.F.R. § 1.137(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. The applicant hereby petitions for revival of the above-identified application, which apparently became abandoned on October 22, 2007 for failure to file a response to the "Notice to File Corrected Application Papers" mailed on March 28, 2007.
2. Reply Under 37 C.F.R. § 1.137(a)(1)

Enclosed herewith are:

- (a) Response to Notice to File Corrected Application Papers with 4 sheets of drawings (Figs. 1-4).
- (b) Statement to Accompany Petition for Revival of Application for Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a).
- (c) Exhibits A through E.

3. Fee Under 37 C.F.R. § 1.137(a)(2)

The Commissioner is hereby authorized to charge small entity fee in the amount of \$255.00 to Deposit Account No. 50-2586. (37 C.F.R. § 1.17(l)). Applicant claims small entity status. See 37 C.F.R. § 1.27.

4. Statement Under 37 C.F.R. § 1.137(a)(3)

The entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(a) was unavoidable.

5. Duration of Abandonment (1203 OG 86-87, Oct. 21, 1997)

- ☒ This petition is being filed within 3 months of the date on which the applicant was first notified of the abandonment by a Notice of Abandonment mailed October 22, 2007. Under current USPTO practice, further information regarding the abandonment is not required.
- ☐ This petition is being filed more than 3 months after the applicant was first notified of the abandonment, but within 1 year of the date of abandonment. Attached hereto is a statement by _____ explaining how the abandonment occurred and how it was unavoidable.
- ☐ This petition is being filed more than 1 year after the apparent date of abandonment. Attached hereto is a statement by _____ explaining when the applicant or applicant's representative first became aware of the abandonment and how the delay in discovering the abandoned status occurred despite the exercise of due care or diligence on the part of the applicant or the applicant's representative.

6. Terminal Disclaimer under 37 C.F.R. § 1.137(a)(4) and (d)

- ☒ Since this application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ Since this application was filed before June 8, 1995, a terminal disclaimer is enclosed dedicating to the public a terminal part of the term of any patent granted hereon, and of any patent granted on a continuing application hereof, equivalent to the period of abandonment of this application.

7. Additional Fees

- ☒ Please charge any underpayment in fees for timely consideration of this Petition to Deposit Account No. 50-2586.

Respectfully submitted,
Perkins Coie LLP

Date: November 9, 2007

/James J. Zhu, Reg. No. 52,396/

James J. Zhu, Ph.D.

Registration No. 52,396

Correspondence Address:

Customer Number 34055

Perkins Coie LLP

Patent – LA

P.O. Box 1208

Seattle, WA 98111-1208

Phone: (310) 788-9900

Fax: (310) 788-3399

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is being deposited with the United States Patent and Trademark Office via EFS-Web Electronic Filing, on:

Date: November 9, 2007

By: /Rena lov/
Rena lov

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: BERNHARD KEPPLER

APPLICATION NO.: 10/627,519

FILED: JULY 25, 2003

FOR: **COMPOSITIONS CONTAINING A
RUTHENIUM(III) COMPLEX AND A
HETEROCYCLE**

EXAMINER: SHIAO, REI TSANG

ART UNIT: 1626

CONF. NO: 2897

**Statement to Accompany Petition for Revival of Application for
Patent Abandoned Unavoidably Under 37 C.F.R. § 1.137(a)**

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby petitions that this application which has been held abandoned, be revived pursuant to 37 CFR 1.137(a). As evidenced by the showing below, the entire delay in filing the required reply to "Notice to File Corrected Application Papers" mailed March 28, 2007 from the due date for the reply until the filing of this petition was "unavoidable."

The "reasonably prudent person standard" is used to determine whether a delay is "unavoidable". MPEP, Original 8th Ed., Aug. 2001, Rev. 5, Aug. 2006, § 711.03(c) at page 700-202. Thus, "no more or greater care or diligence than is generally used and observed by prudent and careful men" is required. See id.

It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable.....

MPEP, Orig. 8th Ed., Aug. 2001, Rev. 5, Aug. 2006, § 711.03(c) at page 700-202 (quoting In re Mattullath, 38 App. D.C. 497, 514-15 (1912)).

Specifically, the delay in filing the required reply was caused by the PTO's erroneous mailing of the Notice to the old correspondence address more than one month after Applicant's change of correspondence address. The Notice failed to reach Applicant. To Applicant's best knowledge, the facts are as follows:

1. On **February 26, 2007**, a Notice of Allowance was mailed.
2. On **February 28, 2007**, promptly after retaining a new attorney, Applicant filed a Power of Attorney and Correspondence Address Indication Form in the instant application, revoking all previous powers of attorney, appointing attorneys at Perkins Coie LLP (Customer Number 34055) as his new attorney, and changing the correspondence address to the address associated with the Customer Number. A copy of the filing is attached herein as **Exhibit A**.

This filing was received in the OIPE on **February 28, 2007** as shown by the mail room date on PAIR, and **Exhibit B** (the filing with the OIPE stamp).

3. On **March 27, 2007**, Applicant's new attorney at Perkins Coie made an early payment of issue fee.
4. On **March 28, 2007**, the Office of Patent Publication in the USPTO mailed the "Notice to File Corrected Application Papers", using the old, incorrect address. A copy of the cover page of this notice is attached herein as **Exhibit C**.

This Notice required Applicant to correct deficiencies in the originally filed drawings.

5. This Notice never reached Applicant or his new attorney at Perkins Coie.
6. Notably, this Notice never appeared and is still not in the PAIR as of today. See **Exhibit D** (a printout of the "Document Description" in the "Image File Wrapper" on PAIR).
7. On **October 19, 2007**, Ms. lov of Perkins Coie called the Office of Patent Publication to inquire about the status of the application. Ms. McCloud at the Office of Patent Publication stated that the application had been in final data capture since July 5, 2007, and that the application should be in line to be issued. Ms. McCloud also emailed the contractors to find out what the hold up is.
8. On **October 22, 2007**, the "Document Description" in the "Image File Wrapper" on PAIR for the first time showed "abandonment".
9. On **October 26, 2007**, Perkins Coie LLP received a Notice of Abandonment, which indicated that the applicant failed to timely file a proper reply to the "notice" mailed on March 28, 2007. However, it was not clear what the "notice" is about.
10. With the "notice" not on PAIR, Applicant employed Mooreland & Moor LLP of Arlington, Virginia to fetch from the PTO the Notice.
11. A copy of the Notice was obtained on **November 8, 2007**, as indicated in **Exhibit E**.
12. This petition pursuant to 37 CFR 1.137(a) is being filed on **November 9, 2007**.

The above description of facts clearly shows that the entire delay was due to an error on the part of the USPTO. Applicant exercised due care. Specifically, upon retaining Perkins Coie as his new attorney, Applicant promptly notified the PTO the change of corresponding address. The Power of Attorney and Correspondence Address Indication Form was filed particularly in the instant application, and specifically

identifying the instant application. Moreover, Applicant's notice of change of correspondence address was filed with the PTO more than one month before the PTO mailed the Notice requiring correction of a drawing deficiency. Because the PTO's Notice used an incorrect correspondence address, Applicant never received the Notice.

The PAIR on the PTO's website was checked regularly. The Notice of Allowance from the PTO did NOT identify the drawing deficiency. Applicant promptly made an early payment of issue fee before the due date of issue fee payment. The PTO Notice requiring correction of a drawing deficiency never appeared and is still not in the PAIR. Applicant was not made aware of the existence of such Notice until several days after an inquiry was made in the PTO about the status of the application. This petition is being promptly filed upon obtaining a copy of the PTO Notice.

Taking all the facts and circumstances into account, the reasonably prudent person standard has clearly been met. The delay in replying to the PTO Notice is clearly "unavoidable."

Concurrently filed herewith are corrected drawings with the deficiencies identified in the PTO Notice mailed March 28 being cured. Payment of the petition fee set forth in 37 CFR § 1.17(l) is also being made.

All requirements under 37 CFR § 1.137(a) being met, the grant of this petition and revival of the application, and early issuance of a patent are respectfully requested.

In the event this petition pursuant to 37 CFR § 1.137(a) is denied, Applicant alternatively petition to revive the instant application under 37 CFR § 1.137(b) on the basis that the entire delay in filing the required reply from the due date of the reply until

the filing of this petition was unintentional, in which case, the Commissioner is authorized to charge the fee under 37 CFR § 1.17(m) to Deposit Account No. 50-2586.

Respectfully submitted,
Perkins Coie LLP

Date: November 9, 2007

/James J. Zhu, Reg. No. 52,396/
James J. Zhu, Ph.D.
Registration No. 52,396

Correspondence Address:

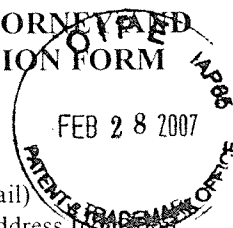
Customer Number 34055
Perkins Coie LLP
Patent – LA
P.O. Box 1208
Seattle, WA 98111-1208
Phone: (310) 788-9900
Fax: (310) 788-3399

Please acknowledge receipt of the following by affixing hereon the Patent and Trademark Office date stamp and returning this card to our office.

Applicants: Keppler, Bernhard
Application No.: 10/627,519
For: COMPOSITIONS CONTAINING A RUTHENIUM(III)
 COMPLEX AND A HETEROCYCLE
Filed: July 25, 2003

**TRANSMITTAL OF POWER OF ATTORNEY AND
CORRESPONDENCE ADDRESS INDICATION FORM**

Attorney(s): James J. Zhu
Docket No.: 63899.8001.US00
Date of Deposit: February 26, 2007 (via U.S. First Class Mail)
Enclosure(s): Power of Attorney and Correspondence Address Indication
 Form; Statement Under 37 CFR 3.73(b); return postcard



CORRESPONDENCE ADDRESS INDICATION FORM

Attorney(s): James J. Zhu
Docket No.: 63899.8001.US00
Date of Deposit: February 26, 2007 (via U.S. First Class Mail)
Enclosure(s): Power of Attorney and Correspondence Address Indication
 Form; Statement Under 37 CFR 3.73(b); return postcard

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/627,519
Filing Date	July 25, 2003
First Named Inventor	Bernhard Keppler
Title	Compositions containing a ruthenium
Art Unit	1826
Examiner Name	Rai Tsang Shiao
Attorney Docket Number	63899.8001.US00

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number:

34055

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

☐ Applicant/Inventor.☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature

Date

Name

Telephone

Title and Company

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT A

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)Applicant/Patent Owner: FAUSTUS FORSCHUNGS CIE. TRANSLATIONAL CANCER RESEARCH GMBHApplication No./Patent No.: 10/627,519 Filed/Issue Date: July 25, 2003Entitled: Compositions containing a ruthenium(III) complex and a heterocycleFAUSTUS FORSCHUNGS CIE. TRANSLATIONALCANCER RESEARCH GMBH, a

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014803, Frame 0698, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

DR. BERNARD KYNAST 30.01.07
Signature Date
CEO 433 341 77060
Printed or Typed Name Telephone Number

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT A



17W

PTO/SB/81 (01-08)

Approved for use through 12/31/2008. OMB 0651-0035

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/627,519
Filing Date	July 25, 2003
First Named Inventor	Bernhard Keppler
Title	Compositions containing a ruthenium
Art Unit	1826
Examiner Name	Rei Tsang Shiao
Attorney Docket Number	83889.8001.US00

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

☒ Practitioners associated with the Customer Number: 34055

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number.

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

City State Zip

Country

Telephone Email

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/98)

SIGNATURE of Applicant or Assignee of Record

Signature Date 30.01.02

Name DR. REINHOLD KYNAST Telephone +49 347 7777

Title and Company CEO FAUSTUS FORSCHUNG. GfH

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ *Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B



PTO/SB/98 (09-08)
Approved for use through 03/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: FAUSTUS FORSCHUNGS GIE. TRANSLATIONAL CANCER RESEARCH GMBH

Application No./Patent No.: 10/627,519 Filed/Issue Date: July 25, 2003

Entitled: Compositions containing a ruthenium(III) complex and a heterocycle

FAUSTUS FORSCHUNGS GIE. TRANSLATIONAL

CANCER RESEARCH GMBH, a

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest
(The extent (by percentage) of its ownership interest is _____ %)

In the patent application/patent identified above by virtue of either:

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 014803, Frame 0698, or for which a copy thereof is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
2. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.
3. From: _____ To: _____
The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☐ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

(NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08)

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

[Signature] 30.01.07
Signature Date
DIC BERND K. NAST 4934177060
Printed or Typed Name Telephone Number
CEO
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,519	07/25/2003	Bernhard Keppler	8182-25US (PA32424US)	2897
570 7590 03/28/2007 AKIN GUMP STRAUSS HAUER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103			EXAMINER SHIAO, REI TSANG	
			ART UNIT 1626	PAPER NUMBER
			MAIL DATE 03/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT C



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Serial No. : 10627519
Applicant : Keppler
Filing Date : 7/25/03
Date Mailed : 3/28/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Notice of Allowance Mailed

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450".*

Don Fairchild
Office of Patent Publication
Phone: 703-308-9250, ext. 126

Application No. 10627519 Drawings filed 7/25/03

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☐ The character of the lines, numbers and letters is poor. FIG(s) _____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) _____
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) _____
- ☐ Figure numbers are duplicated or missing. FIG(s) _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) _____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) _____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) _____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) _____
- ☒ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) 1-4
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met*:
 - ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant **must respond** so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS:

EXHIBIT C

10/627,519	COMPOSITIONS CONTAINING A RUTHENIUM(III) COMPLEX AND A HETEROCYCLE	11-09- 2007::16:04:17
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This application is officially maintained in electronic form. To View: Click the desired Document Description. To Download and Print: Check the desired document(s) and click Start Download.

Available Documents

	Document Description	Page Count
10-22-2007	Abandonment	2
04-03-2007	Bibliographic Data Sheet	1
03-30-2007	Communication - Re: Power of Attorney (PTOL-308)	2
03-27-2007	Issue Fee Payment (PTO-85B)	1
02-28-2007	Power of Attorney	2
02-26-2007	Notice of Allowance and Fees Due (PTOL-85)	3
02-26-2007	Notice of Allowance and Fees Due (PTOL-85)	5
02-26-2007	Examiner Interview Summary Record (PTOL - 413)	2
02-26-2007	List of References cited by applicant and considered by examiner	2
02-26-2007	Issue Information including classification, examiner, name, claim, renumbering, etc.	1
02-26-2007	Search information including classification, databases and other search related notes	1
02-26-2007	Bibliographic Data Sheet	1
02-07-2007	Examiner's search strategy and results	1
01-17-2007	Request for Continued Examination (RCE)	2
01-17-2007	Extension of Time	1
01-17-2007	Amendment Submitted/Entered with Filing of CPA/RCE	1
01-17-2007	Claims	4
01-17-2007	Applicant Arguments/Remarks Made in an Amendment	6
01-17-2007	Information Disclosure Statement (IDS) Filed	4
01-17-2007	NPL Documents	1
01-17-2007	NPL Documents	1
01-17-2007	NPL Documents	9
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01-17-2007	Fee Worksheet (PTO-06)	2
01-17-2007	Status Letter Mailed to Applicant	3
01-17-2007	Authorization for Extension of Time all replies	3
01-17-2007	Fee Worksheet (PTO-06)	1
08-17-2006	Final Rejection	6
08-17-2006	Search information including classification, databases and other search related notes	1
08-17-2006	Index of Claims	1
08-17-2006	Bibliographic Data Sheet	1
06-05-2006	Amendment - After Non-Final Rejection	1
06-05-2006	Claims	3
06-05-2006	Applicant Arguments/Remarks Made in an Amendment	8
06-05-2006	Extension of Time	1
06-05-2006	Oath or Declaration filed	46
06-05-2006	Fee Worksheet (PTO-06)	2
06-05-2006	Status Letter Mailed to Applicant	2
06-05-2006	Fee Worksheet (PTO-06)	1
01-05-2006	Non-Final Rejection	17
01-05-2006	List of References cited by applicant and considered by examiner	2
01-05-2006	List of references cited by examiner	1
01-05-2006	NPL Documents	5

EXHIBIT D

01-05-2006	Bibliographic Data Sheet	1
01-05-2006	Index of Claims	1
01-05-2006	Search information including classification, databases and other search related notes	1
01-05-2006	Examiner's search strategy and results	2
12-07-2005	Examiner's search strategy and results	155
11-17-2005	Fee Worksheet (PTO-06)	1
11-02-2005	Response to Election / Restriction Filed	1
11-02-2005	Claims	5
11-02-2005	Applicant Arguments/Remarks Made in an Amendment	6
11-02-2005	Extension of Time	1
08-31-2005	Requirement for Restriction/Election	10
08-31-2005	Search information including classification, databases and other search related notes	1
08-31-2005	Index of Claims	1
08-31-2005	Bibliographic Data Sheet	1
12-18-2003	Applicant Response to Pre-Exam Formalities Notice	3
12-18-2003	Oath or Declaration filed	3
12-18-2003	Certified Copy of Foreign Priority Application	23
12-18-2003	Information Disclosure Statement (IDS) Filed	3
12-18-2003	NPL Documents	3
12-18-2003	NPL Documents	5
12-18-2003	NPL Documents	6
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12-18-2003	NPL Documents	6
12-18-2003	NPL Documents	6
12-18-2003	NPL Documents	7
12-18-2003	NPL Documents	14
12-03-2003	Pre-Exam Formalities Notice	2
07-25-2003	Foreign Reference	32
07-25-2003	NPL Documents	4
07-25-2003	NPL Documents	30
07-25-2003	NPL Documents	8
07-25-2003	NPL Documents	4
07-25-2003	NPL Documents	6
07-25-2003	NPL Documents	10
07-25-2003	NPL Documents	6
07-25-2003	NPL Documents	10
07-25-2003	NPL Documents	4
07-25-2003	Transmittal of New Application	2
07-25-2003	Specification	12
07-25-2003	Claims	4
07-25-2003	Abstract	1
07-25-2003	Drawings-only black and white line drawings	4
07-25-2003	Oath or Declaration filed	3
07-25-2003	Information Disclosure Statement (IDS) Filed	3
07-25-2003	Fee Worksheet (PTO-06)	1
07-25-2003	Fee Worksheet (PTO-06)	1

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EXHIBIT D

MOORELAND & MOORE, INC.
A PROFESSIONAL PATENT AND TRADEMARK RESEARCH CORPORATION
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Ph. 703-415-1212 Fax 703-415-1215
mminc@erols.com

Cover Sheet

URGENT PLEASE DELIVER IMMEDIATELY

Date: November 8, 2007

Time: 12:20

To: Rena Iov

Fax #: 310.843.1274

From: Ginny B. Meyer
MOORELAND & MOORE, INC.

Re.: 63899.8001.US00
At Cost Document

Number of pages including cover sheet: 8

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EXHIBIT E



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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,519	07/25/2003	Bernhard Keppler	8182-2SUS (PA32424US)	2897
570 7590 03/28/2007 AKIN GUMP STRAUSS HAUSER & FELD L.L.P. ONE COMMERCE SQUARE 2005 MARKET STREET, SUITE 2200 PHILADELPHIA, PA 19103				
EXAMINER				
SHIAO, REI TSANG				
ART UNIT		PAPER NUMBER		
1626				
MAIL DATE		DELIVERY MODE		
03/28/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

EXHIBIT E



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Serial No. : 10627519
Applicant : Keppler
Filing Date : 7/25/03
Date Mailed : 3/28/07

NOTICE TO FILE CORRECTED APPLICATION PAPERS***Notice of Allowance Mailed***

This application has been accorded an Allowance Date and is being prepared for issuance. The application, however, is incomplete for the reasons below.

Applicant is given 60 days from the mail date of this Notice within which to correct the informalities indicated below. If the informality pertains to the abstract, specification (including claims) or drawings, the informality must be corrected with an amendment in compliance with 37 CFR 1.121 (or, if the application is a reissue application, 37 CFR 1.173). Such an amendment may be filed after payment of the issue fee if limited to correction of informalities noted herein. See Waiver of 37 CFR 1.312 for Documents Required by the Office of Patent Publication, 1280 Off. Gaz. Patent Office 918 (March 23, 2004). In addition, if the informality is not corrected until after payment of the issue fee, for purposes of 35 U.S.C. 154(b)(1)(iv), "all outstanding requirements" will be considered to have been satisfied when the informality has been corrected. A failure to reply will result in the application being ABANDONED. This period for reply is NOT extendable under 37 CFR 1.136(a).

See attachment.

*A copy of this notice **MUST** be returned with the reply. Please address response to
"Mail Stop Issue Fee, Commissioner for Patents,
P.O. Box 1450, Alexandria, VA 22313-1450"*

Don Fairchild
Office of Patent Publication
Phone: 703-308-9250, ext. 126

Application No. 10627519 Drawings filed 7/25/03

IDENTIFICATION OF DRAWING DEFICIENCIES

- ☐ There is a hole or the image thereof within the illustration. FIG(s) _____
- ☐ The character of the lines, numbers and letters is poor. FIG(s) _____
- ☐ The illustration is penetrated or traversed by a solid or broken line that is not intended to be part of the drawing, such as a dark line caused by a flaw in the copying process. FIG(s) _____
- ☐ An ink stamp or an image obscures part of the illustration. FIG(s) _____
- ☐ The drawing is marred by black smudges, obliterations, or fax/copier marks. FIG(s) _____
- ☐ Figure numbers are duplicated or missing. FIG(s) _____
- ☐ Numbers, letters, or reference characters in the drawing have been crossed out by hand or are illegibly handwritten. FIG(s) _____
- ☐ The drawing's background shows that the original drawing was made on graph paper or other paper with a pattern or decoration. FIG(s) _____
- ☐ The FIG. number label is placed in a location that causes the drawing to be read upside down. FIG(s) _____
- ☐ Data, a reference number, or part of the drawing is truncated or missing. FIG(s) _____
- ☐ The drawing is continued onto a second page (or more) without proper labeling under 37 CFR 1.84(u)(1). FIG(s) _____
- ☒ The drawing and/or the FIG. label contain(s) foreign language. FIG(s) 1-4
- ☐ Color drawings are present in this application but the following 37 CFR 1.84(a) requirements have not been met*:
 - ☐ Petition filed
 - ☐ Petition fee
 - ☐ 3 sets of color drawings
 - ☐ Color drawing paragraph

*If color drawings are not elected, then applicant must respond so stating. Also, references to color drawings in the specification, if any, must be amended.

COMMENTS:

EXHIBIT E

Complete and send this form, together with applicable fee(s), to: **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
 or **Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

570 7390 02/25/2007

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

Certificate of Mailing or Transmission
 I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

Rena Iov (Depositor's name)
 (Signature)
March 22, 2007 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,519	07/25/2003	Bernhard Keppeler	63899.8001.US00	2897

TITLE OF INVENTION: COMPOSITIONS CONTAINING A RUTHENIUM(III) COMPLEX AND A HETEROCYCLE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO YES	\$1400 \$700	\$300	\$0	\$1000 \$1700	03/29/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHIAO, REI TSANG	1626	514-184000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" Indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

PERKINS COLE LLP
James J. Zhu
 1
 2
 3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

FAUSTUS FORSCHUNGS GIE.
TRANSLATIONAL CANCER RESEARCH GMBH

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

LEIPZIG, GERMANY

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

☒ Issue Fee
☒ Publication Fee (No small entity discount permitted)
☒ Advance Order - # of Copies **3**

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number **50-2586** (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: James J. Zhu
 Typed or printed name: **James J. Zhu**

Date: **March 22, 2007**
 Registration No. **52,396**

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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● PRINTER RUSH ●
(PTO ASSISTANCE)

Application :	<u>10 627519</u>	Examiner :	<u>Shiao</u>	GAU :	<u>1626</u>
From :	<u>CWC</u>	Location :	<u>(IDC) FMF FDC</u>	Date :	<u>3-18-07</u>

Tracking #: epm10 627519 Week Date: 3-05-07

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DOC CODE	DOC DATE	MISCELLANEOUS
<input type="checkbox"/> 1449	_____	<input type="checkbox"/> Continuing Data
<input type="checkbox"/> IDS	_____	<input type="checkbox"/> Foreign Priority
<input type="checkbox"/> CLM	_____	<input type="checkbox"/> Document Legibility
<input type="checkbox"/> IIFW	_____	<input type="checkbox"/> Fees
<input type="checkbox"/> SRFW	_____	<input type="checkbox"/> Other
<input checked="" type="checkbox"/> DRW	<u>3-05-07</u>	<u>7/25/03</u>
<input type="checkbox"/> OATH	_____	
<input type="checkbox"/> 312	_____	
<input type="checkbox"/> SPEC	_____	

[RUSH] MESSAGE:

Drawings show data in foreign language
Thank you

[XRUSH] RESPONSE: Sent notice to applicantINITIALS df

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REV 10/04

EXHIBIT E